

REMARKS

Responsive to the lack of unity determination in the Office Action mailed on October 21, 2004, applicants provisionally elect Group III, claims 25-36 and 48, drawn to SEQ ID NOS: 3 and 6, with traverse.

Applicants believe that the lack of unity determination again fails to comply with the requirements of PCT Rules 13.1 and 13.2, in seeking to justify the lack of unity determination. As the Examiner is aware, the definition of "special technical feature" in PCT Rule 13.2 is art-based. As a result, a proper lack of unity determination requires citation of a reference showing the "special technical feature".

Applicants submit that the special technical feature linking the alleged groups is a jasmonate responsive AP2-domain plant transcription factor. However, applicants believe that the cited reference fails to disclose or suggest a jasmonate responsive AP2-domain transcription factor as set forth in the claims. Since there is no art of record that discloses the AP2-domain containing transcription factors as set forth in the claims, it is believed that the jasmonate responsive AP2-domain plant transcription factors provide a contribution over the prior art and thus constitute a special technical feature within the meaning of PCT Rule 13.2.

In view of the above, it is believed to be apparent that the lack of unity determination is improper and must be

withdrawn. As a result, applicants request an examination of all the claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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